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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,763	01/23/2002	Jean-Noel Augis	190-63	8720

7590
02/25/2004
William H. Eilberg
420 Old York Road
Jenkintown, PA 19046

EXAMINER

HOWELL, DANIEL W

ART UNIT PAPER NUMBER

3722

DATE MAILED: 02/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,763

Applicant(s)

AUGIS, JEAN-NOEL

Examiner

Daniel W. Howell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 2 of claim 1 uses the phrase "such as a press," and this phrase does not explicitly state if the tool is a press or not. On the same subject, it was not clear if claim 10 was intended to be an independent or dependent claim. Both claims 1 and 10 should be amended to clearly set forth if they are claiming the combination of the tapping unit with a press or not. Claim 10 should be placed in either conventional dependent or independent format. The claims use inconsistent language, which make it difficult to determine exactly what structure is being claimed. Line 19 of claim 1 uses the phrase "limited forward axial movement," and line 2 of claim 2 uses the phrase "limited axial advance movement." It is believed that it was intended for both of these to represent the same structure, so these claims should be amended to set forth one set of terminology. Tied in with that issue, the claim language does not clearly distinguish between the various springs. The last two lines of claim 1 set forth "return spring means." Line 13 of claim 2 sets forth "an advance compression return spring." Line 2 of claim 3 and line 5 of claim 5 set forth "return spring means," but it is not clear if the springs of both claims 2 and 3 are the same spring as that of claim 1. Since claim 5 discusses the tap moving toward the interior of the casing against a spring, the spring in this case is probably spring 18. The "retraction return spring" of claim 6 is probably the same spring as that of claim 5. The claims should be amended such that it is clear exactly which spring each claim is discussing, and claim 3 should be treated accordingly if it is repeating the structure of claim 1. **Note that the specification refers to spring 18 as a retraction return spring, and spring 20 is referred to as an advance return spring. Any amendments to the claims should also be consistent with the specification.** In

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claims 5 and 6, it is not clear exactly what is meant by "axial retrograde movement." Claim 6 uses a phrase "retract the pattern axially in the forward direction," which makes no sense.

2. The examiner has performed a complete search, and the best art found during that search has been cited. While no art rejection is believed to be proper at this time, in view of the present condition of the claims, the examiner will decline to discuss allowable subject matter until seeing how the claims are amended. The examiner has assumed that Applicant will amend claim 10 in such a way that it will include all of the present limitations of claim 1.

3. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 703-308-1728. The examiner's office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, Andrea Wellington, may be reached at 703-308-2159.

Any inquiries concerning other than the content of this and previous communications, such as missing references or filed papers not acknowledged, should be directed to the Customer Service Center for Tech Center 3700 at 703-306-5648.

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number 703-872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-308-1148.



Daniel W. Howell
Primary Examiner
Art Unit 3722